

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Alonzo Harvin,)	C/A No. 5:14-cv-01064-RMG-KDW
)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
)	
Warden, Lieber Correctional Institution,)	
)	
Respondent.)	
)	

Petitioner is a state prisoner who filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 30, 2014, Respondent filed a Return and Memorandum to his Petition. ECF Nos. 16, 17. Because Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file adequate responses. ECF No. 18. Petitioner was specifically advised that if he failed to respond adequately, the Respondent's Motion may be granted, thereby ending this case against him. On August 8, 2014, Petitioner requested an extension of time to file a Reply to Respondent's Motion for Summary Judgment. ECF No. 21. The court granted Petitioner an additional 60 days from the original response deadline to respond, instructing Petitioner to file a Response to Respondent's Motion for Summary Judgment by October 3, 2014. ECF No. 22.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this

case and to file a response to Respondent's Motion for Summary Judgment by **October 31, 2014**. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice against Respondent for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



October 8, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge